

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF HAWAII
3

4 UNITED STATES OF AMERICA,) CR. NO. 19-00099-DKW-KJM
5 Plaintiff,) Honolulu, Hawaii
6 vs.) May 2, 2024
7 MICHAEL J. MISKE, JR.,) FURTHER JURY TRIAL - DAY 62
8 Defendant.) (TESTIMONY OF GOVERNMENT'S
9) WITNESS SHELDEN MIGUEL)
10

11 PARTIAL TRANSCRIPT OF PROCEEDINGS
12 BEFORE THE HONORABLE DERRICK K. WATSON
13 CHIEF UNITED STATES DISTRICT COURT JUDGE

14 APPEARANCES:

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34 Proceedings recorded by machine shorthand, transcript produced
35 with computer-aided transcription (CAT).

1 I N D E X

2 WITNESS: PAGE NO.

3 FOR THE GOVERNMENT:

4 SHELDEN MIGUEL

5 DIRECT EXAMINATION BY MR. INCIONG 3

6 CROSS-EXAMINATION BY MS. PANAGAKOS 30

7

8 E X H I B I T S

9 None.

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1 THURSDAY, MAY 2, 2024

9:16 O'CLOCK A.M.

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3 (Start of partial transcript:)

4 (Open court in the presence of the jury.)

5 COURTROOM MANAGER: Criminal Number 19-00099-DKW-KJM

6 United States of America versus Michael J. Miske, Jr.

7 This case has been called for jury trial, Day 63.

8 Counsel, please make your appearances for the record.

9 Sorry --

10 MR. INCIONG: Good morning, Your Honor.

11 COURTROOM MANAGER: -- 62.

12 MR. INCIONG: Thank you.

13 Good morning, Your Honor. Mark Inciong, Michael
14 Nammar, and Aislinn Affinito for the United States. Also with
15 us are Special Agent Thomas Palmer and Kari Sherman.

16 Good morning.

17 THE COURT: Good morning.

18 MR. KENNEDY: Good morning, Your Honor. Michael
19 Kennedy with Lynn Panagakos, Michael Miske, Ashley King, and
20 Josh Barry.

21 Good morning to each of you.

22 THE COURT: Good morning. You may be seated.

23 Good morning to our 16-person jury. I apologize for
24 us getting started a little bit later than normal this morning.
25 we did have a few things to discuss to try to streamline the

1 case once you are with us.

2 So we're at that point of the government calling its
3 next witness. Mr. Inciong.

4 MR. INCIONG: Thank you, Your Honor.

5 United States calls Shelden Miguel.

6 COURTROOM MANAGER: Please raise your right hand.

7 SHELDEN MIGUEL, GOVERNMENT'S WITNESS, SWORN.

8 THE WITNESS: Yes.

9 COURTROOM MANAGER: Thank you. You may be seated.

10 Please state your full name, spelling your last name.

11 THE WITNESS: Shelden Miguel, M-I-G-U-E-L.

12 DIRECT EXAMINATION

13 BY MR. INCIONG:

14 Q Good morning, Ms. Miguel.

15 A Good morning.

16 Q What island do you currently reside on?

17 A Big Island.

18 Q Is that the island you are originally from?

19 A No.

20 Q Where did you grow up?

21 A Kaneohe.

22 Q Kaneohe?

23 A Kahaluu, to be specific.

24 Q So the windward side of Oahu?

25 A Yes.

1 Q what do you do currently for work?

2 A I'm unemployed right now.

3 Q Okay. What did you do before that?

4 A I worked in the medical profession.

5 Q Do you have a son?

6 A Yes.

7 Q What is your son's name?

8 A Johnathan Fraser.

9 Q When was Johnathan born?

10 A May 11th, 1995.

11 Q Where were you living at the time he was born?

12 A In Kaneohe.

13 Q Was that Mother's Day?

14 A Yes.

15 Q How old were you when Johnathan was born?

16 A I just turned 17.

17 Q So you were young.

18 A Yes.

19 Q Did Johnathan live at different points on Oahu and on the
20 Big Island when he was growing up?

21 A Yes.

22 Q How would you describe Johnathan's personality as he grew
23 into a young man?

24 A He was a lot of fun. He was a very big joy to us in our
25 family. He was quiet, observant, but just real laid back,

1 chill.

2 Q was family important to him?

3 A Absolutely.

4 Q what were some of the interests Johnathan had growing up
5 as he matured into a young man?

6 A Dirt bikes, quads, body boarding, boogie boarding, he
7 tried that. Football was a big thing. Hunting, dabbled in the
8 hunting.

9 Q You mentioned bikes. What about cars?

10 A Oh, yes, loved, loved cars.

11 Q Did you get to know some of Johnathan's friends growing
12 up?

13 A A few. A few, yeah.

14 Q who were some of his best friends you would say that he
15 spent the most time with?

16 A In the Big Island or in oahu?

17 Q Either.

18 A On the Big Island, Cody. They called each other chief.

19 Q Okay.

20 A Here, it would have been Caleb. He spoke a lot of Caleb
21 and they referred to each other as Bro.

22 Q Is that Caleb Miske?

23 A Yes.

24 Q what high school did Johnathan go to?

25 A He went to Castle High School here, and on the Big Island

1 was Keaau High School.

2 Q Did he end up graduating from Castle?

3 A I think so.

4 Q So after high school, did he start dating someone by the
5 name of Ashley Wong?

6 A Yes.

7 Q Did you meet Ashley?

8 A Yes.

9 Q Did you get to know Ashley?

10 A I did.

11 Q Did you get to know Caleb during that same time as well?

12 A Yes.

13 Q Did the three of them spend time together?

14 A Yes.

15 Q Did you ever meet Caleb's girlfriend, who later became his
16 wife, Delia?

17 A No, never had the pleasure.

18 Q Okay. I want to take you to October of 2015. Were you
19 living on the Big Island at that time?

20 A Yes.

21 Q Did you receive news that Johnathan had been involved in a
22 serious car accident?

23 A Yes.

24 Q What did you do as soon as you learned that information?

25 A I prayed.

1 Q Did you come to Oahu?

2 A That was the second thing I did, yes, the following day,
3 'cause I just got home from work and I haven't even took my
4 scrubs off yet.

5 Q When you arrived at the hospital, what was Johnathan's
6 condition?

7 A Very bad. Oh, my poor son's head was so swollen. And he
8 was hooked up to machines.

9 Q Did you find out who he was in the accident with?

10 A Yeah.

11 Q Who was he in the accident with?

12 A Caleb.

13 Q Was Caleb in bad shape too?

14 A I heard.

15 Q Were they both at the same hospital?

16 A Yeah.

17 Q That was Queen's?

18 A Mm-hmm.

19 MR. INCIONG: Could we publish, Your Honor,
20 Exhibit 2, dash, 133A, as in "Adam," from our 14th
21 supplemental? It's been previously admitted.

22 THE COURT: Go ahead.

23 BY MR. INCIONG:

24 Q Ms. Miguel, do you recognize the photo that's on the
25 monitor in front of you?

1 A Yes.

2 Q Is that you with Johnathan shortly after you had arrived
3 to see him at the Queen's Hospital?

4 A In this picture my son is awake. When I got there, my son
5 was in a coma.

6 Q Okay. But is this you and he at the --

7 A This is both of us, yes.

8 Q Okay. Does that give at least some indication of the --
9 what was going on with him with the neck brace and all the
10 tubes and so forth?

11 A Yes.

12 Q So when you arrived at the hospital, were there other
13 family members there as well from the -- from Johnathan's side
14 of the family?

15 A Yes.

16 Q Was there any friends and family of Ashley there present
17 as well?

18 A I believe some of Ashley's family was there. A lot of
19 their friends was there too. I remember being introduced to
20 them but I was very worried about my child and Caleb, so I
21 don't recall their names or anything --

22 Q Okay.

23 A -- like that.

24 Q That's fine.

25 So what about Caleb's family, did he have a lot of family

1 there as well at that time?

2 A I had seen some of them, yes.

3 Q Okay. What was the mood or the atmosphere at the hospital
4 when these boys were both in critical condition after the
5 accident?

6 A Everybody was worried, very sad. You also seen some looks
7 of panic.

8 Q Were the two families, meaning Caleb's family and your
9 family, Johnathan's family, supportive of each other during
10 that time?

11 A Oh, I wanted to meet -- to speak to Caleb's father, but,
12 no, I never got the chance to connect with anyone. And I'm not
13 sure what the Frasers did.

14 Q How long did Johnathan stay in the hospital?

15 A Considering his injuries, it was a short stay.

16 Q Was he --

17 A weeks.

18 Q Was he released before like Christmas, for example --

19 A Yes.

20 Q -- as a hallmark? Okay.

21 After the accident, Johnathan, did he have still some
22 serious physical challenges he was dealing with?

23 A Yes.

24 Q Did you notice any changes in Johnathan in his personality
25 or anything after the accident?

1 A He occasionally had some glitches, but for the most part,
2 my son just seemed sad because of -- I'm speaking after Caleb's
3 passing. He seemed sad because he lost his -- his friend.
4 Other than that, it just frustrated with his challenges.

5 Q Did you notice, did he have any change in his outlook
6 on just life itself after coming out of the accident?

7 A Oh, he was hopeful. You know, he had his days where it
8 was definitively overwhelming for him, but he was hopeful.

9 Q What about your relationship with him, did it become
10 closer or -- than it had been before after the accident?

11 A Absolutely.

12 Q What do you attribute that to?

13 A I think my son had a different outlook on life.

14 Q Explain that to the jury, if you could. What do you mean?

15 A I think he had a greater appreciation for it.

16 Q Did you have more serious discussions with him about the
17 future and his outlook, goals, things of that nature after the
18 accident?

19 A Yes.

20 Q Okay. What kinds of things did you talk about with him?

21 A Making investments, like buying a home. You know, what he
22 wanted to do and things. We even spoke a little bit about him
23 and Ashley and what their plans were for the future.

24 Q Okay. Would you say the frequency of your communication
25 with Johnathan increased after the accident as opposed to how

1 it was beforehand?

2 A Yes. It wasn't -- it was a lot more than before.

3 Q On average, how often would you communicate with him,
4 whether it was texting, talking on the phone, FaceTime?

5 A Almost daily.

6 Q Would you say the quality of your communications also
7 improved or increased --

8 A Yes.

9 Q -- after the accident?

10 A Yes.

11 Q How would you typically communicate with Johnathan? Was
12 it text, phone calls, FaceTime, combination of the above?

13 A Combination of the above. And we started -- they taught
14 me how to video chat.

15 Q Okay. So you were doing that with him? Okay.

16 A Yes.

17 Q Did you have a joint Instagram account with Johnathan at
18 any point?

19 A No, but I have it now.

20 Q Okay. So what do you mean by you have it now?

21 A I asked Ashley to turn over his page to me.

22 Q Okay.

23 A Just so that I could preserve it the way he had it.

24 Q Okay. All right. I'll come back to that in a minute.

25 So Johnathan was released late 2015 from the hospital, so

1 I want to take you then to early 2016. How was his recovery
2 progressing?

3 A He was going to his therapy. He had water therapy as
4 well. It was for his leg. He had a severe -- a pretty
5 significant limp, actually. So he was trying to play some
6 basketball and things just to build some strength in the leg.

7 Q Was there a goal that he set with his doctors with his
8 physical recovery to be able to come travel to visit you on the
9 Big Island?

10 A I know he -- he was working towards that, yes, and he did
11 get the approval.

12 Q So did he in fact come to visit you in the Big Island the
13 spring of 2016?

14 A Yes.

15 Q Now, you mentioned, you referenced Caleb's passing. Do
16 you recall that being in March of 2016?

17 A Yes.

18 Q Was the visit after Caleb had passed away?

19 A Yes.

20 Q Did Johnathan come by himself to visit you? Did he come
21 with anyone else?

22 A He came with Ashley.

23 Q So did you get to know Ashley during the time she dated
24 your son?

25 A Yes.

1 Q How would you describe Ashley and John's relationship?

2 A Oh, they were inseparable. Where one went, the other
3 went.

4 Q So they came to visit you in was it April of 2016?

5 A Yes.

6 Q How long did they stay for?

7 A Until his 21st birthday.

8 Q What date was that?

9 A May 11th.

10 Q What kinds of things did they do while they were there?

11 A Played tourist, took them shopping, had lunches. Then
12 they went over to the Waimea side with some family.

13 Q Okay.

14 A With my niece and nephews. They took them up to the
15 Kohala mountain, where they hunted, and they camped over --
16 it's not really camping, it's more like glamping -- at the
17 cabin, that overlooks the whole Waikoloa to Kona.

18 Q Did they enjoy their time there?

19 A Yes.

20 Q Did Ashley and Johnathan consider themselves to be, quote,
21 country?

22 A Yes.

23 Q Did they love that part of the Big Island?

24 A Yes.

25 Q Did you have conversations when they were there about them

1 actually coming to move and live on the Big Island?

2 A Yes.

3 Q Tell us about those conversations.

4 A Across the street from my home there's -- there were open
5 lots, and so we talked about them purchasing the lot across the
6 street and building their home. 'Cause he knew that our house
7 was to be passed on to him. And, of course, he can come home
8 for mom's cooking.

9 Q Is that kind of a joke you had between you as to why he
10 wanted to live across the street from you?

11 A Yes.

12 MR. INCIONG: Could we publish Exhibit 1-26C, as in
13 "Charles," previously admitted from our 14th supplemental?

14 THE COURT: You may.

15 BY MR. INCIONG:

16 Q Ms. Miguel, do you see the picture on the monitor in front
17 of you?

18 A I do.

19 Q Do you recognize where that photo is taken?

20 A Yes.

21 Q Where is that taken?

22 A In my home.

23 Q Was this on that visit in April and May of 2016?

24 A Yes.

25 Q Did you have conversations with Ashley during that visit

1 about how you might be able to help her find work in your field
2 at that time as well?

3 A Yes, I did.

4 Q So you said Johnathan and Ashley stayed till his birthday
5 on May 11th, and then they left to come back to oahu, right?

6 A Yes.

7 Q Did you ever see Johnathan again?

8 A No. Excuse me.

9 Q Okay. Take your time.

10 Are you okay?

11 A Yeah.

12 Q After Johnathan and Ashley returned from the Big Island,
13 did you get some exciting news from them?

14 A I did.

15 Q What was that?

16 A I was going to be a grandma.

17 Q They told you Ashley was pregnant?

18 A I already knew.

19 Q Mother's intuition?

20 A I -- yes. I had asked when they were there. Which I
21 guess they didn't know yet or I wasn't told until after they
22 returned.

23 Q So you were excited?

24 A Absolutely.

25 Q Did you have talks with Johnathan about being a father?

1 A well, he was excited. He wanted a son, like he could
2 choose.

3 Yeah, we did.

4 Q Did you talk about naming -- naming this son that he
5 wanted to choose?

6 A He was just specific he didn't want it to be named
7 Johnathan.

8 Q Why is that?

9 A 'Cause he said his name was cursed.

10 Q Why did he think that?

11 A I have no clue.

12 Q So later that -- going into the summer of 2016, did you
13 continue to keep in touch with Johnathan regularly?

14 A Mm-hmm. Yes.

15 Q Through FaceTime, video chat, like you said, texting and
16 so forth?

17 A Yes. And we had minimal communication on social media.

18 Q Okay. And I want to take you to the end of July of 2016,
19 July 31st specifically.

20 Did you receive a call that Johnathan was missing?

21 A Oh, shucks.

22 Q You remember who you got that call from?

23 A From Ashley.

24 Q When you got that call, what was your initial reaction?

25 A Excuse me, but I said: where the fuck is my son? What do

1 you mean he's missing?

2 Q what caused you to react like that, that way?

3 A I instantly panicked.

4 Q Now, did you -- did you have any knowledge of a rift or
5 disagreement between Mr. Miske's family and Johnathan about who
6 may have been driving during the accident in October of 2015?

7 A Yes. I heard about some of those things. No one told me
8 to my face, from their family, at all.

9 Q Okay. So your -- was your initial reaction just shock,
10 surprise, like what do you mean, he's missing?

11 A Yes. I mean, that's a parent's worst nightmare to -- to
12 hear that your -- your kid is missing. Not a phone call you
13 want to get.

14 Q Prior to getting the call from Ashley, when was the last
15 time you'd had any communication with Johnathan?

16 A I almost want to say it was like around a week or so prior
17 to that, and I was kind of like, what's going on? You know.
18 And I -- that's where I said the minimal communication on
19 Instagram, because I was, you know, reaching out to them even
20 on Instagram, you know, like, Can you call mommy back?

21 Q So you'd done this for the week or so before you had --
22 you had been having a hard time getting ahold of him?

23 A Yeah.

24 Q Was that unusual?

25 A From after the accident, yes.

1 Q So after you got the phone call from Ashley, did you at
2 any point come over to Oahu?

3 A Yes.

4 Q How soon after you got the call did you come?

5 A In less than a week I was here.

6 Q Why did you come to this island?

7 A I came to find my son.

8 Q Were you aware that there were searches being conducted
9 for him by Ashley and her family, and Johnathan's family?

10 A My family as well were on those searches. And, yes, they
11 were communicating with me via the phone.

12 Q So you, yourself went out on some of these searches?

13 A From the time I -- I touched ground, yes. On every single
14 one. And I went on many by myself -- no, I take that back.
15 with one other person. I was never alone. I always had at
16 least one other person with me.

17 Q So what kinds of -- what determined where you were looking
18 during these searches?

19 A Can you please say that again?

20 Q How would you decide where to look when you were search --
21 searching for Johnathan?

22 A When I found out that they were living in Hawaii Kai, I
23 started there. And then with the tips that -- that were coming
24 in I chased every single one that I could.

25 Q And you said when you found out they were living in Hawaii

1 Kai. Did you know before you got the call from Ashley that
2 they were living in Hawaii Kai?

3 A No.

4 Q So these tips that came in, where -- what was the source
5 of these, these tips that you would try to follow up on?

6 A They came from all over, really. Instagram, through text.
7 walking the streets and people saying I think I may have saw
8 him here, there. We would just go.

9 Q Did you help in putting up some of these different posters
10 and flyers that were being taped onto light poles and so forth?

11 A Absolutely did.

12 MR. INCIONG: Your Honor, could we publish
13 Exhibit 2-56 through 2-59 for the witness, please, previously
14 admitted from our original list?

15 THE COURT: Go ahead.

16 BY MR. INCIONG:

17 Q Ms. Miguel, do you see the exhibit marked as 2-56?

18 A I do.

19 Q Do you recognize that as one of the posters that was being
20 put up during the searches for Johnathan?

21 A Yes.

22 Q The car that's shown in that photograph, did you -- did
23 you know anything about that car beforehand?

24 A I seen it on Instagram and I asked -- I asked Kaleo -- I
25 asked Johnnie whose car that was.

1 Q what did he say?

2 A That it was a tribute car for Caleb. And he didn't go any
3 further as to any explanation or anything.

4 Q Is the height and weight that's shown on there, was that
5 accurate at that time?

6 A Yes.

7 MR. INCIONG: Could we publish, please, Exhibit 2-57?

8 THE COURT: You may.

9 BY MR. INCIONG:

10 Q Is this another missing poster flyer that was being used
11 to try to help during the searches?

12 A Yes.

13 MR. INCIONG: Could we show 2-58 next, please?

14 THE COURT: Yes.

15 BY MR. INCIONG:

16 Q Do you recognize this as the tribute car that was also
17 being shown to try to help locate Johnnie?

18 A Yes.

19 MR. INCIONG: Could we publish 2-59?

20 THE COURT: Yes.

21 BY MR. INCIONG:

22 Q Do you recognize this as a social media posting that had
23 been put out as well in the efforts to try and find him?

24 A Yes.

25 MR. INCIONG: Could we show the witness next

1 Exhibit 2-60, please?

2 THE COURT: Yes.

3 BY MR. INCIONG:

4 Q Ms. Shelden, did you have something to do with getting
5 these posters put on The Bus?

6 A Yes.

7 Q Tell the jury what you did to -- and how you thought of
8 having these placed on The Bus.

9 A My family, a few members of my family all chipped in to
10 help me pay for these posters to be put up on the city bus.

11 Q What made you think of putting posters on The Bus?

12 A A lot of people use it for transportation.

13 Q Did you specifically ask that it be placed on any
14 particular route?

15 A I did.

16 Q Which route did you want it to be on?

17 A To Hawaii Kai.

18 Q 'Cause that was based on where he was last living?

19 A Yes.

20 Q During this time were you approached by different news
21 media, different television stations about Johnathan being
22 missing?

23 A Yes.

24 Q Did you give interviews to those in the hopes that that
25 would help find him?

1 A Yes.

2 Q Did you give interviews to, for example, Chelsea Davis on
3 Hawaii News Now?

4 A Yes.

5 Q Lynn Kawano on that same channel?

6 A Yes.

7 Q How many people would you estimate were helping you follow
8 these leads and search throughout the island?

9 A Countless. I -- I don't -- I can't give an exact number,
10 but we had a lot of family, a lot of friends.

11 Q How long did these searches go on for?

12 A We stood down here for months.

13 Q Was there a lot of information coming to you through
14 social media during that time as well?

15 A Yes.

16 Q At some point did that almost begin to be counter-
17 productive?

18 A Yes.

19 Q Okay. Can you explain why?

20 A I think that people were just trying to smokescreen, like
21 send us on wild goose chases.

22 Q At some point did that -- did you have to just kind of
23 remove yourself from that?

24 A Yeah, it drove me crazy.

25 Q Did you return back to the Big Island?

1 A I did.

2 Q Now, during the -- these search efforts, did -- to your
3 knowledge, did anyone from the Miske family ever participate or
4 try to help in these searches to find Johnathan?

5 A Never did.

6 Q Did Mike Miske ever help or offer any assistance in those
7 searches?

8 A Never did.

9 Q Not even Delia?

10 A Not even Delia.

11 Q You said you were going crazy during this time. Were you
12 desperate for answers?

13 A Completely.

14 Q Was that the worst part, not knowing?

15 A Yeah.

16 Q Did you find yourself grasping for any -- any straws that
17 might explain his disappearance, no matter how -- how bad it
18 might be?

19 A Yes.

20 Q At one point did you suspect or think that Ashley actually
21 might have been involved?

22 A Yes.

23 Q Why did you think that?

24 A Because she wasn't -- I -- I felt she wasn't being
25 completely transparent with me.

1 Q Did that change at some point? Did you still think she
2 was involved?

3 A No, she was not involved. And, yes, that has changed.

4 Q So what changed your mind about that?

5 A Knowing everything, the truth for what it is. Regardless
6 of how it made her look, I guess, she was hesitant. Now I know
7 and I don't feel the same way.

8 Q Do you have any doubt that she loved your son?

9 A No. She loved him.

10 Q Now, when you were trying to find answers from any source,
11 did you then at some point consult with a psychic?

12 A Yes. My family did assist with that.

13 Q Okay. You're just looking for answers?

14 A Yes.

15 Q Did you ask the Honolulu Police Department if they would
16 listen to what the psychic had to say?

17 A At that time was with Ashley's mom, and yes, I did.

18 Q Did they agree to do that for you?

19 A Yeah, Brandon did, yes.

20 Q In the end, the psychic didn't help either?

21 A No.

22 Q So going to the -- focusing on the fall of 2016 and you
23 knew Ashley was pregnant before Johnathan was missing, did you
24 attend a baby shower for her that fall?

25 A I did.

1 Q where was the baby shower?

2 A Down by Lanikai Beach.

3 Q Did you expect someone to be there in particular?

4 A Yeah.

5 Q who were you hoping would be there?

6 A I kept hoping to see my son walk across the field and
7 attend the baby shower.

8 Q Did he ever come?

9 A He never did.

10 Q would the Johnathan that you know missed his child's baby
11 shower?

12 A No.

13 Q Now, during the time after the accident, at any time, but
14 particularly focusing on the visit to the Big Island, since you
15 were with him in person at that time, did you ever see any
16 instance of Johnathan flying into rages where he couldn't
17 control his temper?

18 A No.

19 Q How would you describe his demeanor and state during the
20 time you visited him?

21 A Just like the picture you seen earlier of him standing in
22 his bedroom, chill, relaxed, comfortable.

23 Q You knew he had -- there was some brain trauma and so
24 forth from the accident, correct?

25 A Yes.

1 Q You saw no sign of any temper issues or anger control
2 issues when you were with him?

3 A None.

4 Q And I know you said that you had -- the week before you
5 got the news from Ashley that he was missing, you'd been trying
6 to reach him. You'd reached out on Instagram.

7 Do you recall seeing the last post that he had posted on
8 the Instagram account, or what it was?

9 A The End of -- End of world cruise or something like that.

10 Q Johnathan had posted this?

11 A Yes.

12 Q What was End of world cruise?

13 A I assumed it had something to do with the car club.

14 Q Do you recall about how long before he went missing that
15 that posting had been made?

16 A I don't know if it was the -- the night prior, or what,
17 but it was not that long in between the two.

18 Q The -- a day or -- a day or two before?

19 A Yes.

20 Q Was that the last post that you ever saw posted to that
21 account by Johnathan?

22 A Yes.

23 Q Is that ironic to you that the End of World Tour was his
24 last post?

25 A Yes.

1 Q Did you know of anyone that had a grudge or a vendetta
2 against Johnathan at the time he was missing?

3 A The only one was Mike.

4 Q What did you understand that -- the basis of that grudge
5 to be?

6 MS. PANAGAKOS: Objection, calls for hearsay. She's
7 already testified she never heard directly from anyone in the
8 Miske family.

9 THE COURT: Overruled. Go ahead.

10 THE WITNESS: Can you repeat that, please?

11 MR. INCIONG: Sure.

12 BY MR. INCIONG:

13 Q What was the reason for the grudge?

14 A Oh, he was blaming my son for being the driver and taking
15 his son's life.

16 Q Had you ever warned John or Ashley to stay away from
17 Mr. Miske?

18 A Absolutely did.

19 Q Did you know that they had started talking to him in
20 April, after Caleb had passed away?

21 A No. Actually, if I might take that back, please. They
22 said he came to the grandfather's house and that he was
23 going -- he said he was going to church and he was sorry. And
24 I said don't -- don't trust it.

25 Q So you said you didn't know that they had moved to this

1 Hawaii Kai place until after you got the news that he was
2 missing, correct?

3 A Correct.

4 Q So you didn't know that the tribute car had been purchased
5 by Mr. Miske that Johnathan was driving?

6 A No, I did not know.

7 Q Had you known any of those things, would you have done
8 anything differently when they came to visit you in April and
9 May of 2016?

10 A Absolutely.

11 Q What is that?

12 A I would have been more adamant. I would have put my foot
13 down a little bit more firmly.

14 Q About what exactly?

15 A About not having a relationship with him under any
16 circumstances. That's just something that needs to be there.
17 That season is over.

18 Q You believe Johnathan is alive?

19 A No.

20 Q Why do you think that?

21 A My son wouldn't leave me, not like this.

22 Q Do you still find yourself looking for him?

23 A Yes.

24 Q Even knowing or even believing that he's not alive?

25 A Yes.

1 Q why?

2 A 'Cause I need him and I miss him and I want him home.

3 Excuse me. I'm sorry.

4 MR. INCIONG: It's okay. Thank you, Ms. Miguel. I
5 have nothing further.

6 THE COURT: Ms. Panagakos. Cross when you're ready.

7 MS. PANAGAKOS: Thank you, Your Honor.

8 CROSS-EXAMINATION

9 BY MS. PANAGAKOS:

10 Q Good morning, Ms. Miguel.

11 A Good morning.

12 Q You never heard Mr. Miske -- you never spoke with him
13 about the accident, right? Mr. Miske?

14 A No, ma'am.

15 Q Never spoke with him about anything?

16 A I wanted to, but I didn't get a chance to.

17 Q And you never spoke with anyone in the Miske family?

18 A No.

19 Q So when you testified that he was blaming your son --

20 A Yes.

21 Q -- that information was relayed to you by whom?

22 A By my child.

23 Q And you weren't told -- did you ever hear before this
24 trial that the other driver was actually at fault for turning
25 left on a yellow --

1 MR. INCIONG: Objection, relevance.

2 Q -- going 35 miles an hour?

3 MR. INCIONG: Beyond the scope.

4 THE COURT: Sustained.

5 BY MS. PANAGAKOS:

6 Q In your view, your belief is that Caleb was the driver of
7 the car, right?

8 A According to the police report, yes.

9 Q Do you hold a grudge against him?

10 A Absolutely not.

11 Q And so just because you think someone's the driver doesn't
12 mean you hold a grudge.

13 A To me, no.

14 Q Right.

15 A I'm not like that.

16 Q And you never heard Mr. Miske tell you he had a -- held a
17 grudge?

18 A Not personally.

19 Q And you did hear that he went to the Fraser house to tell
20 them personally that he didn't hold a grudge?

21 A Yes, ma'am.

22 Q And you saw the text messages introduced during this trial
23 where Delia told Ashley that Mr. Miske didn't hold a grudge.

24 A I did see them, yes.

25 Q He just wants peace and healing.

1 A I did see that, yes.

2 Q You mentioned that Cody and Caleb were two of your son's
3 closest friends?

4 A Yes.

5 Q Other close friends included Jacob Johnson, right?

6 A Jaybird? Yes.

7 Q He was a close friend. And Jaybird is Jacob Johnson,
8 right?

9 A Yes, ma'am.

10 Q And Brittney Palos was another close friend?

11 A Yes. That's his best friend.

12 Q We talked about Johnathan's interests and activities
13 growing up.

14 A Yes.

15 Q You heard Ashley Wong testify that while -- prior to the
16 accident he also was involved in distributing marijuana, right?

17 A I did hear that, yes.

18 Q Were you aware of that, that that was something he had
19 been doing before the accident?

20 A I had some knowledge, yes.

21 Q Were you aware -- as she testified at the trial, were you
22 aware that he had at times unpaid drug debts?

23 MR. INCIONG: Objection, relevance, beyond the scope.

24 THE COURT: Overruled. Go ahead.

25 A No, I wasn't aware that he had unpaid drug debts.

1 BY MS. PANAGAKOS:

2 Q Were you aware that he got in physical fights over unpaid
3 drug debts?

4 A No, ma'am.

5 Q Were you aware that he got in any physical fights?

6 A The only physical fight I was made aware of was the one
7 where he was mobbed.

8 Q And were you told -- were you made aware that he actually
9 stole -- stole a Rolex?

10 A Can you say that again, please?

11 Q Did he ever admit, did Johnathan ever admit to you to
12 stealing?

13 A No, ma'am.

14 Q Were you ever told about the fight with Kawai Mook outside
15 of the Fraser household that resulted in them getting kicked
16 out of the house?

17 MR. INCIONG: Objection, relevance, beyond the scope.

18 THE COURT: Sustained.

19 BY MS. PANAGAKOS:

20 Q You testified that you personally didn't see Johnathan get
21 angry, have anger issues after the accident.

22 A I did say that.

23 Q What's that?

24 A I did say that, yes.

25 Q But you are aware that there were such incidents in the

1 Fraser house, right?

2 A Yes.

3 Q And you actually said that it worried the shit out of you.

4 A Sounds about right.

5 Q You were aware that he hit his head against the wall?

6 A Yes.

7 Q And that he punched doors?

8 A I believe so, yes.

9 Q And that he screamed?

10 A He yelled, yes.

11 Q And you were concerned about how this impacted the inside
12 of his head, right?

13 A Of course.

14 Q Right. Because he had a brain injury.

15 A Yes.

16 Q And this could aggravate that.

17 A Yes.

18 Q And it was actually when you learned about one of these
19 particularly bad incidents that you bought the plane tickets
20 for them to come see you in -- on the Big Island, right?

21 A One more time. I'm so sorry.

22 Q It was actually when you learned about one of these
23 particularly bad incidents that you purchased the tickets for
24 Johnathan and Ashley to come to the Big Island.

25 A I don't think that was the purpose in me bringing him

1 home. It had more to do with us celebrating Boy's Day and his
2 birthday.

3 Q Right. I understand that -- that he came and you
4 celebrated the birthday. But what I'm asking is: Did you
5 purchase the tickets, you know, the same day that you learned
6 about a particularly bad incident where Johnathan was hitting
7 his head against the wall and could have been hurting his head?

8 MR. INCIONG: Objection, asked and answered.

9 THE COURT: Overruled. Go ahead.

10 A I'm not exactly sure it was the same day. But if it was,
11 it was more of a coincidence than anything.

12 MS. PANAGAKOS: I would like to show Ms. Miguel
13 9134-017, which is on our 43rd supplemental list.

14 THE COURT: Go ahead.

15 MS. PANAGAKOS: 017. I'm sorry. I misspoke. Thank
16 you. And if we could -- let's see.

17 BY MS. PANAGAKOS:

18 Q Ms. Miguel, can you let me know when you're done reading
19 that portion of the page?

20 A (Reviews document.) I'm finished.

21 MS. PANAGAKOS: Okay. Can we continue, please?

22 THE WITNESS: (Reviews document.) Okay.

23 MS. PANAGAKOS: And then continue.

24 And then the next page.

25 THE WITNESS: (Reviews document.)

1 MS. PANAGAKOS: And then the next page.

2 THE WITNESS: Okay.

3 BY MS. PANAGAKOS:

4 Q So Ms. Miguel, do you recognize these text messages
5 between you and Ashley?

6 A Yes.

7 Q And the plane ticket confirmation?

8 A Yes.

9 MS. PANAGAKOS: I move to admit 9134-017.

10 THE COURT: Any objection?

11 MR. INCIONG: Objection, improper impeachment. The
12 witness has testified affirmatively to all of this, 403.

13 THE COURT: Sustained.

14 MS. PANAGAKOS: Okay. We could take that down.

15 BY MS. PANAGAKOS:

16 Q So Ms. Miguel, you recall this incident on April 19th,
17 2016, right?

18 A I see it, yes.

19 Q It was particularly bad one, right?

20 A Yes.

21 Q Are you aware -- you were aware that Johnathan was
22 prescribed numerous medications for his brain injury, right?

23 A Yes.

24 Q Including antipsychotic medication?

25 A Yes.

1 Q And mood stabilizer?

2 A Yes.

3 Q And benzodiazepines for anxiety?

4 A Yes.

5 Q And you were also aware that he was taking -- that he was
6 using marijuana at the same time, right?

7 A Yes.

8 Q Large amounts of it, right?

9 A Depends on who's looking at it. But, yes, I was aware he
10 was smoking weed.

11 Q Daily?

12 A Yes, daily.

13 Q And were you aware that he was selling his pills to get
14 weed?

15 A No.

16 Q Were you aware that he wasn't taking his medications as
17 prescribed?

18 A Some of them, yes.

19 Q And you were aware that the doctors emphasized the
20 importance of taking them as prescribed in order to treat his
21 brain injury, right?

22 A Yes.

23 Q And his mood issues, right?

24 A Yes, but the side effects was really affecting my son.

25 Q Right. But he was prescribed them to treat --

1 A Was.

2 Q -- his brain injury.

3 A Yes.

4 Q And his mood issues.

5 A Yes.

6 Q Including his anger issues.

7 A Yeah, his --

8 Q And in your view, his anger was due to mistreatment by
9 members of the Fraser family, right?

10 MR. INCIONG: Objection, calls for speculation.

11 Relevance.

12 THE COURT: Sustained.

13 BY MS. PANAGAKOS:

14 Q Did you express a belief that the Fraser family was doing
15 damage to your son's --

16 MR. INCIONG: Objection, relevance.

17 Q -- mental health?

18 MR. INCIONG: 403.

19 THE COURT: I thought I just ruled on this.

20 If it was unclear, the objection is sustained.

21 BY MS. PANAGAKOS:

22 Q And after this incident on April 19th -- 19, you learned
23 that Ashley and her father got marijuana for Johnathan to help
24 calm him down.

25 MR. INCIONG: Objection, relevance, 403.

1 THE COURT: Sustained.

2 BY MS. PANAGAKOS:

3 Q On June 24th, 2016, Johnathan told you that he and Ashley
4 had been kicked out of the Fraser house, right?

5 MR. INCIONG: Objection, relevance. Beyond the
6 scope.

7 THE COURT: I just don't know how many times we have
8 to hear about the very same things.

9 MS. PANAGAKOS: Your Honor, I think getting kicked
10 out of the house goes to the circumstances under which they
11 left.

12 THE COURT: My question, right? How many times? The
13 objection's sustained. Move on.

14 BY MS. PANAGAKOS:

15 Q You testified that Ashley and Johnathan were joined at the
16 hip.

17 A Yes.

18 Q But in the months before his disappearance she had jobs,
19 right?

20 A Yes.

21 Q So she -- they weren't joined at the hip while she was
22 working, right?

23 A Well, I think it's more or less like a figure of speech,
24 ma'am. Not necessarily that they were sewn to each other, not
25 to sound sarcastic or anything. But when she wasn't having to

1 do a job, then, yes, they were inseparable.

2 Q Right, but life takes you apart for so many hours a day,
3 whether it be work or --

4 A Actually does, yeah.

5 Q Yeah. And you testified that you came over here and
6 participated in searches.

7 A I did.

8 Q And you worked with the detectives.

9 A I did.

10 Q One particular tip you gave them was someone named Alaska.
11 Do you remember that?

12 A No. I can't remember all the tips. Sorry.

13 Q But you do remember talking personally to people who said
14 they saw Johnathan, right?

15 A There was a lot of people we spoke to, but, yes, some of
16 them may have said they seen him, yes.

17 Q And you remember tips about particular houses, right, and
18 locations that you asked detectives to search?

19 A Some -- some stood out. Normally when I got tips, I gave
20 them over to the authorities.

21 Q Do you remember being suspicious of someone named Vinny
22 Pacheco?

23 MR. INCIONG: Objection, beyond the scope, relevance.

24 THE COURT: Overruled. Go ahead.

25 A Not off the top of my head right now, no. But if I was, I

1 gave it to detectives.

2 MS. PANAGAKOS: Can I show Ms. Miguel 9134-026, which
3 is on our 43rd supplemental?

4 THE COURT: Go ahead.

5 THE WITNESS: I'm done.

6 BY MS. PANAGAKOS:

7 Q Do you recall looking into this possibility with Vinny
8 Pacheco and Tasha Pacheco?

9 A Vaguely, yes.

10 Q So at some point you were suspicious of him?

11 A Yes. I believe that came from a psychic.

12 Q And you also, in addition to providing leads to Detective
13 Nakasato, you also provided leads to Terrence Chu, correct?

14 A Yes.

15 Q And in December of 2010 -- 2017, you told Terrence Chu
16 that Jacob Johnson said he knew 100 percent that Ashley Wong
17 set John up, right?

18 A Yes.

19 Q And that Jacob Johnson was afraid to go to the police
20 because he was afraid of Ashley Wong and her father, right?

21 A Yes.

22 Q Are you aware that there was a time when the Fraser family
23 also suspected Ashley Wong?

24 MR. INCIONG: Objection, relevance.

25 THE COURT: Overruled. Go ahead.

1 A Yes.

2 MS. PANAGAKOS: I have nothing further. Thank you,
3 Ms. Miguel.

4 THE WITNESS: You're welcome.

5 MS. PANAGAKOS: Thank you.

6 THE COURT: Mr. Inciong.

7 MR. INCIONG: No redirect.

8 THE COURT: Okay. You may step down, ma'am. Thank
9 you.

10 THE WITNESS: Thank you.

11 (witness excused.)

12 (End of partial transcript.)

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COURT REPORTER CERTIFICATE

2 I, Ann B. Matsumoto, Official Court Reporter, United
3 States District Court, District of Hawaii, do hereby certify
4 that pursuant to 28 U.S.C. Sec. 753 the foregoing is a
5 complete, true, and correct transcript of the stenographically
6 recorded proceedings held in the above-entitled matter and that
7 the transcript page format is in conformance with the
8 regulations of the Judicial Conference of the United States.

DATED at Honolulu, Hawaii, July 5, 2024.

/s/ Ann B. Matsumoto
ANN B. MATSUMOTO, RPR